

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MARY OREM and RODNEY OREM,)	
)	
Plaintiffs,)	
)	
v.)	
)	Case No. _____
FELD ENTERTAINMENT, INC., FELD)	
MOTOR SPORTS, INC., and AEG KANSAS)	
CITY ARENA, LLC f/d/b/a THE SPRINT)	
CENTER,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants Feld Entertainment, Inc. and Feld Motor Sports, Inc. (“Defendants”) give Notice of Removal of this action from the Circuit Court of Jackson County, Missouri at Kansas City to the United States District Court for the Western District of Missouri, Western Division pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. As grounds for removal, Defendant states as follows:

1. On May 12, 2022, an action was commenced in the Circuit Court of Jackson County, Missouri at Kansas City styled *Mary Orem and Rodney Orem v. Feld Entertainment, Inc., Feld Motor Sports, Inc., and AEG Kansas City Arena, LLC f/d/b/a The Sprint Center*, Case No. 2216-CV11023. The Petition is attached hereto as Exhibit 1.

2. Defendants Feld Entertainment, Inc. and Feld Motor Sports, Inc. were each served with a summons and received a copy of Plaintiffs’ Petition on June 30, 2022. Upon information and belief, Co-Defendant AEG Kansas City Arena, LLC f/d/b/a The Sprint Center was served on July 1, 2022.

3. Co-Defendant AEG Kansas City Arena, LLC has consented to removal.

4. This Notice is timely filed under 28 U.S.C. § 1446(b) because it is filed within 30 days after receipt by Defendants of notice from which it was first ascertainable that the case had become removable, and within one year after commencement of the action.

5. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332, and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. § 1441(b) in that it is a civil action between citizens of different states and the amount in controversy exceeds the sum of \$75,000, exclusive of interests and costs.

6. The amount in controversy exceeds the sum of \$75,000 because Plaintiffs have pled claims for premises liability, including negligence, negligent hiring/retention, negligent training, negligent supervision, and loss of consortium, and seek damages for “bodily injuries and past and future pain and suffering,” past and future medical expenses, “past and future emotional and physical distress,” “past and future anxiety, mental anguish, and loss of enjoyment of life,” and “past and future lost wages and income, including lost earnings capacity.” Such damages are sought “in an amount deemed to be fair and reasonable under the circumstances ... and for all other just and appropriate relief under the law as this Court deems just and proper.”

7. As identified in the caption of their Petition, Plaintiffs Mary Orem and Rodney Orem are residents of the State of Missouri.

8. For the purposes of diversity jurisdiction, a corporation is deemed to be a citizen of the state in which it is incorporated and of the state in which it has its principal place of business. *See* 28 U.S.C. § 1332(c)(1).

9. Defendant Feld Entertainment, Inc. is a corporation organized under the laws of the State of Delaware. Its principal place of business is in Florida. It is therefore a citizen of the State of Delaware and of the State of Florida.

10. Defendant Feld Motor Sports, Inc. is a corporation organized under the laws of the State of Delaware. Its principal place of business is in Florida. It is therefore a citizen of the State of Delaware and of the State of Florida.

11. For the purposes of diversity jurisdiction, the citizenship of a limited liability company is the citizenship of its members. *See GMAC Commercial Credit, LLC v. Dillard Dep't. Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004).

12. Upon information and belief, Co-Defendant AEG Kansas City Arena, LLC f/d/b/a The Sprint Center is a limited liability company organized under the laws of the State of Delaware.

13. Upon information and belief, the sole member of AEG Kansas City Arena, LLC is AEG Kansas City Arena Holdco, LLC, which is a limited liability company organized under the laws of the State of Delaware.

14. Upon information and belief, the sole member of AEG Kansas City Arena Holdco, LLC is AEG KCAH, LLC, which is a limited liability company organized under the laws of the State of Delaware.

15. Upon information and belief, the sole member of AEG KCAH, LLC is AEG Facilities, LLC, which is a limited liability company organized under the laws of the State of Delaware.

16. Upon information and belief, the sole member of AEG Facilities, LLC is SMG US Midco 3, LLC, which is a limited liability company organized under the laws of the State of Delaware.

17. Upon information and belief, the sole member of SMG US Midco 3, LLC is SMG US Midco 2, Inc., which is a corporation organized under the laws of the State of Delaware.

18. Upon information and belief, SMG US Midco 2, Inc. is a corporation organized under the laws of the State of Delaware with its principal place of business in the State of

Pennsylvania. Therefore, Co-Defendant AEG Kansas City Arena, LLC is a citizen of the State of Delaware and the State of Pennsylvania.

19. Because Plaintiffs are citizens of the State of Missouri and Defendants and Co-Defendant are citizens of the States of Delaware, Florida, and Pennsylvania, complete diversity exists upon the filing of Plaintiffs' Petition.

20. The entire state court file is attached hereto as Exhibit 2.

WHEREFORE, Defendants Feld Entertainment, Inc. and Feld Motor Sports, Inc. remove this action from the Circuit Court of Jackson County, Missouri at Kansas City to the United States District Court for the Western District of Missouri, Western Division.

DATED: July 28, 2022.

Respectfully submitted,

BROWN & RUPRECHT, PC

By: /s/ Elizabeth Moeller

Elizabeth D. Moeller, MO Bar #67748

Cody D. Miller, MO Bar #72033

John L. Hayob, MO Bar #24518

2323 Grand Boulevard, Suite 1100

Kansas City, MO 64108

T: (816) 292-7000 / F: (816) 292-7050

emoeller@brlawkc.com

cmiller@brlawkc.com

jhayob@brlawkc.com

**Attorneys for Defendants Feld
Entertainment, Inc. and Feld Motor
Sports, Inc.**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed via the ECF filing system and served via email on the 28th day of July 2022 to the following:

James F. Stigall
Luke G. Whitworth
Stigall Whitworth, LLC
1100 Main Street, Suite 2600
Kansas City, MO 64105
James@StigallWhitworth.com
Luke@StigallWhitworth.com
Attorneys for Plaintiffs

/s/ Elizabeth Moeller
Attorney